

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CRYSTAL BURGETT, personal representative  
of the estate of JO ANN BURGETT, deceased,

Plaintiff,

v.

Case No. 07-12686

CITY OF FLINT, a municipal corporation;  
OFFICER MIGUEL VASQUEZ and OFFICER  
KYLE BRANDON, jointly and severally,

District Judge Arthur J. Tarnow

Defendants.

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**ORDER DENYING CROSS-MOTIONS FOR SUMMARY JUDGMENT [41, 42, 53] AND PLAINTIFF'S  
MOTION TO STRIKE DEFENDANT OFFICERS' MOTION FOR SUMMARY JUDGMENT [56]**

Before the court are the cross-motions for summary judgment and plaintiff's motion to strike the defendant officers' untimely summary-judgment motion. This matter came on for a hearing on March 11, 2009.

For the reasons stated on the record, the motions are DENIED, except that the defendants' motions as to plaintiff's state claims of gross negligence and liability under *respondeat superior* are DENIED WITHOUT PREJUDICE.

The final pretrial order is due June 30, 2009. The final pretrial conference is set for July 14 at 3 p.m.

SO ORDERED.

S/ARTHUR J. TARNOW  
Arthur J. Tarnow  
United States District Judge

Dated: March 11, 2009

07-12686

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 11, 2009, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager